

Appl. No. 10/783,640
Amdt. Dated January 8, 2009
Reply to Office Action of July 9, 2008

REMARKS/ARGUMENTS

Claims 1- 6 were pending in this application. Claims 1-6 were rejected under 35 USC 102(e) as being anticipated by US 7,154,397 to Zerhusen et al (Hill-Rom Services, Inc.). Claims 1-3, 5 and 6 have been amended to better distinguish over Zerhusen et al. New claim 7 has been added for consideration. These changes are supported by paragraphs [0117]-[0119] and FIGS. 5, 5A, 6, 6A of the original specification as published. As the above rejection might be applied to the amended/new claims it is respectfully traversed for the reasons that follow.

Zerhusen et al. disclose a multi-purpose computer screen with flow sheet sized proportion at the point of care. In other words, a bed control display screen mounted on or near the patient's bedside. Various mounting arrangements and locations are shown, including on the bed, bedrail, wall, ceiling, medication cart or portable pole stand, bedside table, etc. FIG. 49 shows the patient's photograph displayed on this bed control display screen for visual confirmation of the right patient as part of a process for manually dispensing oral medications from a locked medication box 46. Zerhusen et al. focus on oral medications (see FIGS. 53 and 128 - "MEDS HELD DOWN?" or "Patient Accepts Med") and fail to disclose or fairly suggest that the patient photo is displayed on a display screen of a medical pump, such as an electronic programmable medical pump that is adapted to deliver medications intravenously or by other non-oral routes. In fact, Zerhusen et al. teach away from locating the display screen on a medical pump. See the separate treatment and therapy devices 30, 32 and locked medication box 46 in FIG. 1. For flexibility, the approach of Zerhusen et al. is clearly bed-centric and device non-specific with respect to its preferred display locations.

Zerhusen et al. fail to anticipate, recognize and appreciate the problem solved by the present invention - that modern medical pumps are programmable and electronically receive patient information, drug information and parameters for medication delivery automatically from the pharmacy, other computer systems within the hospital, or from machine readable data on the label of the medication container, a patient badge, tag or wristband, or the patient's chart. In this new, complex environment, caregivers have to confirm the input and parameters or program delivery code on the medical pump and the present invention provides correct patient visual confirmation through a digital photograph displayed right on the medical pump, saving the caregiver the distraction of having to divert his or her attention to

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another display screen. Furthermore, the display of the patient's digital photograph on the medical pump display screen also helps identify and avert the situation where download or electronic transmission of medical pump parameters or delivery program code was unsuccessful for one reason or another and the parameters in the memory of the medical pump are actually from the last patient the medical pump was used upon rather than the current patient. Given the complex wired and often imperfect wireless transmission environment of modern hospitals, this is an important added safety feature. To err is human, but computers and computerized communications equipment can make or cause serious errors as well.

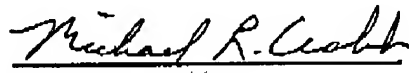
Thus, it is respectfully submitted that claim 1 and 6 are not anticipated by Zerhusen et al. primarily because Zerhusen et al. fail to disclose that the patient's photo is placed on a display of a medical pump. Claims 1 and 6 are believed to be patentable over the prior art of record. Claims 2-5 and 7 depend from claim 1 and at least derive their patentability therefrom.

A Petition for Extension of Time by three (3) months from October 9, 2008 to January 9, 2009 is submitted herewith along with the authorization for payment of the appropriate fees. No further extensions or fees are believed to be due in connection with this paper. However, the Commissioner is authorized to consider this a request for any necessary extension and charge our Deposit Account, 50-3118 for any additional fees (or credit any over payments) in association with this communication. A timely and favorable response on the merits of the claims as amended is respectfully requested.

Respectfully submitted,
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